

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 259

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

1010H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 566.010 and 566.086, RSMo, and to enact in lieu thereof two new sections relating to sexual offenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 566.010 and 566.086, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 566.010 and 566.086, to read as follows:

566.010. As used in this chapter and chapter 568, the following terms mean:

(1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

(a) Inflicts serious physical injury on the victim;

(b) Displays a deadly weapon or dangerous instrument in a threatening manner;

(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person;

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
17 without regard to legitimacy, the actor's:
- 18 a. Ancestor or descendant by blood or adoption;
 - 19 b. Stepchild while the marriage creating that relationship exists;
 - 20 c. Brother or sister of the whole or half blood; or
 - 21 d. Uncle, aunt, nephew, or niece of the whole blood;
- 22 (2) "Commercial sex act", any sex act on account of which anything of value is given
23 to or received by any person;
- 24 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the
25 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
26 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done
27 for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of
28 terrorizing the victim;
- 29 (4) "Forced labor", a condition of servitude induced by means of:
- 30 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that,
31 if the person does not enter into or continue the servitude, such person or another person will
32 suffer substantial bodily harm or physical restraint; or
 - 33 (b) The abuse or threatened abuse of the legal process;
- 34 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
- 35 (6) "Sexual contact", any touching of another person with the genitals or any touching
36 of the genitals or anus of another person, or the breast of a female person, or such touching
37 through the clothing, **or causing semen, seminal fluid, or other ejaculate to come into contact**
38 **with another person**, for the purpose of arousing or gratifying the sexual desire of any person
39 or for the purpose of terrorizing the victim;
- 40 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the
41 penis.

- 566.086. 1. A person commits the offense of sexual contact with a student if he or she
2 has sexual contact with a student of the school and is:
- 3 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;
 - 4 (2) A student teacher; ~~or~~
 - 5 (3) An employee of the school; ~~or~~
 - 6 (4) A volunteer of the school or of an organization working with the school on a project
7 or program who is not a student at the school; ~~or~~
 - 8 (5) An elected or appointed official of the school district; ~~or~~
 - 9 (6) A person employed by an entity that contracts with the school or school district to
10 provide services; **or**

11 **(7) A coach, assistant coach, director, or other adult with a school-aged team, club,**
12 **or ensemble, regardless of whether such team, club, or ensemble is connected to a school**
13 **or scholastic association. For purposes of this subdivision, "school-aged team, club, or**
14 **ensemble" means any group organized for individual or group competition for the**
15 **performance of sports activities or any group organized for individual or group**
16 **presentation for fine or performing arts by any child under eighteen years of age.**

17 2. For the purposes of this section, "school" shall mean any public or private school in
18 this state serving kindergarten through grade twelve or any school bus used by the school district.

19 3. The offense of sexual contact with a student is a class E felony.

20 4. It is not a defense to prosecution for a violation of this section that the student
21 consented to the sexual contact.

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